

Senate Study Bill 1116

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to solid waste tonnage fees and making a penalty
2 applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1260DP 83
5 tm/nh/8

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1 1 Section 1. Section 455B.301, Code 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 10A. "Industrial solid waste" means the
1 4 same as defined in 40 C.F.R. } 258.2, as amended.
1 5 Sec. 2. Section 455B.310, subsection 1, Code 2009, is
1 6 amended to read as follows:
1 7 1. Except as provided in subsection 5, the operator of a
1 8 sanitary landfill shall pay a tonnage fee to the department
1 9 for each ton ~~or equivalent volume~~ of solid waste received and
1 10 disposed of at the sanitary landfill during the preceding
1 11 reporting period. ~~The department shall determine by rule the~~
~~1 12 volume which is equivalent to a ton of waste. In addition,~~
~~1 13 the operator of a transfer station shall pay a tonnage fee to~~
~~1 14 the department for each ton of solid waste received at the~~
~~1 15 transfer station during the preceding reporting period that is~~
~~1 16 ultimately disposed of at a sanitary landfill not required to~~
~~1 17 pay a tonnage fee under this subsection. Tonnage fees shall~~
~~1 18 be paid in the manner provided in subsection 7 and shall not~~
~~1 19 be applied to the same solid waste more than once.~~
1 20 Sec. 3. Section 455B.310, subsection 4, paragraph d, Code
1 21 2009, is amended to read as follows:
1 22 d. Each sanitary landfill ~~owner or operator or transfer~~
~~1 23 station operator required to pay a tonnage fee under~~
~~1 24 subsection 1~~ shall submit a return to the department
1 25 identifying the use of all fees retained under this section
1 26 including the manner in which the fees were distributed. A
1 27 planning area entering into an agreement pursuant to section
1 28 455B.306, subsection 2, shall submit such information to the
1 29 department and a planning area receiving the solid waste under
1 30 such an agreement shall, in addition, submit evidence to the
1 31 department demonstrating that required retained fees were
1 32 returned in a timely manner to other planning areas under the
1 33 agreement. The return shall be submitted concurrently with
1 34 the return required under subsection 7.
1 35 Sec. 4. Section 455B.310, subsection 5, Code 2009, is
2 1 amended to read as follows:
2 2 5. Solid waste disposal facilities with special provisions
2 3 which limit the site to disposal of ~~construction and~~
~~2 4 demolition waste, landscape waste, coal combustion waste,~~
~~2 5 cement kiln dust, foundry sand, and solid waste materials~~
~~2 6 approved by the department for lining or capping, or for~~
~~2 7 construction berms, dikes, or roads in a sanitary disposal~~
~~2 8 project or sanitary landfill industrial solid waste~~ are exempt
2 9 from the tonnage fees imposed under this section. However,
2 10 solid waste disposal facilities under this subsection are
2 11 subject to the fees imposed pursuant to section 455B.105,
2 12 subsection 11, paragraph "a". Notwithstanding the provisions
2 13 of section 455B.105, subsection 11, paragraph "b", the fees
2 14 collected pursuant to this subsection shall be deposited in
2 15 the solid waste account as established in section 455E.11,
2 16 subsection 2, paragraph "a", to be used by the department for
2 17 the regulation of these solid waste disposal facilities.
2 18 Solid waste materials approved by the department for lining or
2 19 capping, or for construction of berms, dikes, or roads in a

2 20 sanitary disposal project or sanitary landfill are also exempt
2 21 from the tonnage fees imposed under this section.

2 22 EXPLANATION

2 23 This bill relates to solid waste tonnage fees.

2 24 The bill creates a definition of the term "industrial solid
2 25 waste" that is the same as the federal definition of the term.

2 26 Currently, solid waste disposal facilities with special
2 27 provisions which limit the site to disposal of construction
2 28 and demolition waste, landscape waste, coal combustion waste,
2 29 cement kiln dust, foundry sand, and solid waste materials

2 30 approved by the department for lining or capping, or for

2 31 construction berms, dikes, or roads in a sanitary disposal

2 32 project or sanitary landfill are exempt from paying tonnage

2 33 fees. The bill strikes this language and allows the exemption

2 34 for solid waste disposal facilities which limit the site to

2 35 the disposal of industrial solid waste. However, the bill

3 1 also provides that solid waste materials approved by the

3 2 department for lining or capping, or for construction of

3 3 berms, dikes, or roads in a sanitary disposal project are also

3 4 exempt from the tonnage fees.

3 5 Currently, only sanitary landfill operators are required to

3 6 pay a tonnage fee to the department of natural resources for

3 7 each ton of solid waste disposed of at the sanitary landfill.

3 8 The bill requires an operator of a transfer station to pay a

3 9 tonnage fee for each ton of solid waste received at the

3 10 transfer station that is ultimately disposed of at a sanitary

3 11 landfill not required to pay a tonnage fee. The bill

3 12 prohibits the tonnage fee from being applied to the same solid
3 13 waste more than once.

3 14 A transfer station failing or refusing to pay the fees

3 15 provided in the bill or file the return required by the bill

3 16 are assessed a penalty of 2 percent of the fee due for each

3 17 month the fee or return is overdue.

3 18 LSB 1260DP 83

3 19 tm/nh/8.1